

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT WISWELL, §
§
Plaintiff, §
§
v. § CIV NO. 4:08-cv-013
§
UNITED STATES DEPARTMENT OF §
HOMELAND SECURITY, et al., §
§
Defendants. §

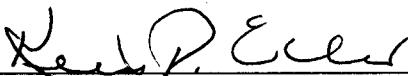
MEMORANDUM AND ORDER

Plaintiff filed this lawsuit on January 11, 2008. Plaintiff has failed to serve Defendant United States Marshal Service, Harris County, Texas, and Steven Reiter within 120 days of filing suit, as required by Federal Rule of Civil Procedure 4(m). FED. R. CIV. P. 4(m) (2008). "If a defendant is not served within 120 days after the complaint is filed the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice or order that service be made within a specified time." *Id.*

The Court orders Plaintiff to serve Defendants no later than September 18, 2008 or to provide the Court with good cause explaining his failure to make such service. If Plaintiff does not serve Defendants by that date or provide the Court with good cause, the Court will dismiss Plaintiff's claims against Defendants without prejudice.

IT IS SO ORDERED.

SIGNED this 18th day of July, 2008.


KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE